

Order

Michigan Supreme Court
Lansing, Michigan

Entered:

June 1, 2004

ADM File No. 2004-16

Amendment of Rules 3 and 4
of the Rules Concerning
the State Bar of Michigan

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rules 3 and 4 of the Rules Concerning the State Bar of Michigan are adopted, effective immediately.

[The amended language is indicated below by underlining.]

Rule 3 Membership Classes

(A)-(E)[Unchanged.]

(F) Emeritus Membership. Effective October 1, 2004, an active or inactive member who is 70 years of age or older or has been a member of the State Bar for at least 30 years, and who is not subject to pending disciplinary action in this state or any other jurisdiction, may elect emeritus status by notifying the secretary of the State Bar in writing. The secretary shall notify the member when the request is accepted, whereupon the member no longer will be qualified to practice law in Michigan, but will be eligible to receive other member benefits as directed by the Board of Commissioners of the State Bar. The secretary of the State Bar also shall notify the clerk of the Supreme Court when a member is given emeritus status. Members who were age 70 or older as of October 1, 2003, who resigned or were suspended from membership after October 1, 2003, but before September 30, 2004, for nonpayment of dues are to be automatically reinstated as emeritus members, effective October 1, 2004, unless they notify the secretary of the State Bar that they do not wish to be reinstated.

(1) Grievances and Discipline. Emeritus status does not deprive the Attorney Grievance Commission or the Attorney Discipline Board of jurisdiction over the emeritus member.

- (2) Readmission. To be readmitted as an active member of the State Bar, an emeritus member must reapply for admission, satisfy the Board of Law Examiners that the person possesses the requisite character and fitness to practice law, obtain a passing score on the Michigan Bar Examination, and pay applicable fees and dues.

Rule 4 Membership Dues

(A)-(C) [Unchanged.]

- (D) A person who has been a member of the State Bar for at least 50 years shall not be assessed general expenses, but shall pay the full amount assessed other members for the client security fund and the discipline agencies. A member who elects emeritus status pursuant to Rule 3(F) is exempt from paying dues.

(E)-(F) [Unchanged.]

Staff Comment: The June 1, 2004, amendments of the Rules Concerning the State Bar of Michigan add new subrule 3(F), which creates an emeritus membership status for State Bar members who are 70 years old or older or have been State Bar members for at least 30 years. Beginning October 1, 2004, such members may elect that status as long as there are no pending disciplinary actions against the member in any state. Rule 4(D) is amended to exempt emeritus members from paying State Bar dues. Emeritus members will not be qualified to practice law in Michigan, but will be eligible to receive certain other member benefits.

The staff comment is not an authoritative construction by the Court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 1, 2004 Corbin R. Davis
Clerk